

OCT. 13. 2005 1:18PM

BRYAN CAVE

NO. 2580

P. 1

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Date: October 13, 2005

From: Stephen J. Brown, Reg. No. 43,519

Phone Number: (212) 541-1242

To: OFFICE OF INITIAL PATENT EXAMINATION
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U.S. PATENT AND TRADEMARK OFFICE

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Matter 0185659

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Message:

Re: U.S. Patent Application Serial No. 10/528,674

Filed: August 22, 2005

For: TRANSCRIPTIONAL ACTIVATOR GENE FOR GENES INVOLVED IN
COBALAMIN BIOSYNTHESIS

Attorney Docket No.: 21406 US

Enclosed:

1. Request For A Corrected Filing Receipt with facsimile certificate of mailing and Exhibits 1 and 2 (11 pp)

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Docket No. 21406 US (C038435/0185659)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Tatsuo HOSHINO *et al.*)
Serial No.: 10/528,674) Examiner: Not yet assigned
Filed: August 22, 2005) Art Unit: 1646
For: **TRANSCRIPTIONAL ACTIVATOR**)
GENE FOR GENES INVOLVED IN)
COBALAMIN BIOSYNTHESIS)

New York, New York
October 13, 2005

REQUEST FOR A CORRECTED FILING RECEIPT

Office of Initial Patent Examination's Filing Receipt Corrections
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

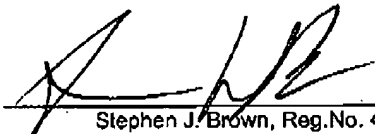
Please issue and send us a corrected filing receipt. A marked-up copy of the filing receipt we received is attached as **Exhibit 1**, along with a copy of the Combined Declaration For Patent And Power Of Attorney attached as **Exhibit 2**. The errors in the filing receipt are as follows:

In the APPLICANT(S) section, the name of the second co-inventor is incorrect. Therefore, please change "Yutaka Stoguchi" to -- Yutaka Setoguchi --.

The FOREIGN APPLICATIONS data is incorrect. Therefore, please change "02021603" to -- 02021603.2 --.

Appropriate correction is respectfully requested.

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, via facsimile transmission at (703) 746-9195 on October 13, 2005.


Stephen J. Brown, Reg.No. 43,519

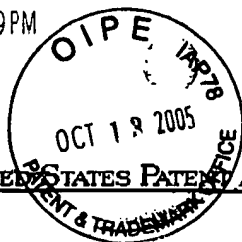
Respectfully submitted,

By: 

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EXHIBIT 1

OCT. 13. 2005 1:19PM

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Page 1 of 3

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/528,674	08/22/2005	1646	1030	21406 US C038435/0185659	2	9	2

CONFIRMATION NO. 2411

 Stephen M Haracz
 Bryan Cave
 1290 Avenue of the Americas
 New York, NY 10104-3300

FILING RECEIPT



OC000000017100705

Date Mailed: 09/28/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yutaka SETOBUCHI

 Tatsuo Hoshino, Kanagawa-ken, JAPAN;
 Yutaka Setoguchi, Kanagawa-ken, JAPAN;
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Power of Attorney:

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 Gonzalo Merino-51192

Charles Avigliano-52578

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/10572 09/23/2003

Foreign Applications

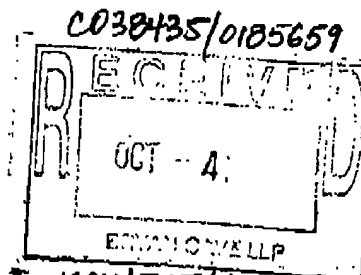
EUROPEAN PATENT OFFICE (EPO) 02021603.2 09/27/2002

02021603.2

Projected Publication Date: 01/05/2006

Non-Publication Request: No

Early Publication Request: No



Title

Transcriptional activator gene for genes involved in cobalamin biosynthesis

Preliminary Class

530

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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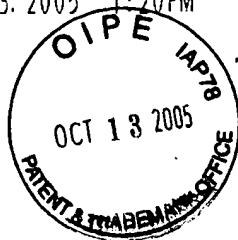
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EXHIBIT 2

OCT. 13. 2005 1:20PM

NO. 2580 P. 9



Attorney Docket No. 21406 US C038435/0185659

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TRANSCRIPTIONAL ACTIVATOR GENE FOR GENES INVOLVED IN COBALAMIN BIOSYNTHESIS

the specification of which

(check one)



is attached hereto



was filed on _____ as

Application Serial No. _____

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

02021603.2

Europe

27 September 2002



(Number)

(Country)

(Day/Month/Year Filed)

Yes

No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/EP2003/01057223 September 2003pending

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Stephen M. Haracz

Reg. No. 33397

Stephen J. Brown

Reg. No. 43519

Warren K. MacRae

Reg. No. 37876

Gonzalo Merino

Reg. No. 51192

Kevin C. Hooper

Reg. No. 40402

Charles Avigliano

Reg. No. 52576

SEND CORRESPONDENCE TO:

Stephen M. Haracz, Bryan Cave LLP, 1290 Avenue of the Americas, New York, NY 10104-3300

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Tatsuo HOSHINO

Inventor's signature

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Full name of third joint inventor, if any

Noribumi TOMIYAMA

Inventors signature

Noribumi Tomiyama

Date

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Citizenship

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Post Office Address

1-1-27-305 Kawana, Fulsawa-shi, Kanagawa-ken, Kanagawa 251-0015, Japan

(Supply similar information and signature for subsequent joint inventors)

Title 37, Code of Federal Regulations, § 1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The Duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

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